

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Civil No. 20-cv-13293

vs.

Hon. David M. Lawson

**INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA,**

Defendant.

_____ /

**JOINT MOTION FOR MINOR MODIFICATION OF CONSENT ORDER
AS TO THE DATE THE REFERENDUM VOTE MUST BE CONCLUDED**

The United States of America, jointly with the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (hereinafter “UAW”), respectfully move the Court for a modification of the Consent Order. In support of the motion, the parties state the following:

1. The parties entered into a settlement that resulted in this Court’s entry of the parties’ proposed Consent Decree. ECF No. 10, PageID.108. The Consent Decree provides that a Referendum vote (on whether to change UAW’s election system) must occur by November 12, 2021. ECF No. 10, PageID.111; ECF No. 34, PageID.373.

2. After consultation with the Monitor, the parties request the Court

amend the Consent Decree to allow for the Referendum deadline to be moved by approximately two weeks, i.e., to occur, or more precisely to conclude, on or before November 29, 2021. The Referendum will be conducted by mail-in ballots and the Referendum ballots are expected to be mailed to all eligible UAW members and retirees in good standing (approximately 1 million in total) in or about mid-October. The Monitor and the UAW selected the most qualified election vendor to conduct the vote-by-mail. However, this vendor has advised that it requires up to November 29 to complete the vote count.

3. This modest date change to conclude the vote-counting by the election vendor will not affect the time between the Referendum and the next UAW officer elections. In order to allow the convention to be held in Detroit (and with the agreement of the parties and the Monitor), the UAW's 2022 Convention—the event at which officer elections are conducted—will be held in late July 2022, rather than late June 2022 as previously contemplated.

4. The parties are aware of their obligation to seek concurrence pursuant to E.D. Mich. Local Rule 7.1. This is a joint motion and, as such, both parties concur in the relief sought.

Respectfully submitted,

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Dated: September 7, 2021

Issue Presented

The Monitor and the parties have been working toward finalizing rules and preparing for the Referendum as contemplated by the Consent Decree. Should the Court grant the parties unopposed request to move the Referendum date by two weeks?

Controlling Authority

Consent Decree, ¶ 69, ECF No. 10, PageID.135

Memorandum of Law

The United States and the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (“UAW”) recently agreed to the entry of a Consent Decree, which this Court approved. ECF No. 10, PageID.109.

The Consent Decree calls for the appointment of a Monitor to, among other things, oversee a Referendum by UAW members. ECF No. 10, PageID.111. The Referendum will allow UAW members to vote on the procedures for the election of UAW’s International Executive Board (“IEB”), its managing body. *Id.* The Consent Decree requires this Referendum occur “[w]ithin six months after appointment of the Monitor.” *Id.*

The vote on the Referendum will apply to officer elections at the UAW Constitutional Convention in 2022. ECF No. 10, PageID.112. (At the time the parties negotiated the Consent Decree, that convention was set to occur in June 2022. But the UAW recently moved that date to July 2022 so it could be held in Detroit.)

The Court appointed the Monitor on May 12, 2021. ECF No. 34, PageID.373. According to the Consent Decree then, the Referendum must occur on or before November 12, 2021.

After consultation with the Monitor, in order to finalize Referendum rules,

select the preferred election vendor, and provide additional time for disseminating information concerning the Referendum to UAW members, the parties request for the Referendum to be completed on or before November 29, 2021.

The Consent Decree allows the Court to “modify” its terms “as may be equitable and just.” ECF No. 10, PageID.135. Here, all parties agree that the slight adjournment of the referendum date is appropriate—in other words, is “equitable and just.” Accordingly, the parties request the Court grant the motion, amending the Consent Decree to allow for the Referendum to occur, or more precisely to be concluded, on or before November 29, 2021.

Respectfully submitted,

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Certificate of Service

I hereby certify that on September 7, 2021, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

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